

UNITED STATES DISTRICT COURT

for the  
District of New Mexico

UNITED STATES DISTRICT COURT  
ALBUQUERQUE, NEW MEXICO

United States of America  
v.

KENDALE JOHNSON, year of birth 1989

*Defendant(s)*

NOV 03 2020

Case No. 20-mj-1897

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.


On or about the date(s) of October 22, 2020 in the county of San Juan in the  
District of New Mexico, the defendant(s) violated:

<i>Code Section</i>	<i>Offense Description</i>
18 U.S.C. 922(g)(1)	Unlawful Possession of a Firearm by a Convicted Felon

This criminal complaint is based on these facts:

Please see Affidavit.

☒ Continued on the attached sheet.



*Complainant's signature*

William H. Berry, Jr. Special Agent (FBI)

*Printed name and title*

Sworn to before me and signed in my presence.

Date: 11-6-2020

City and state: Farmington, New Mexico



*Judge's signature*

B. Paul Briones, US Magistrate Judge

*Printed name and title*

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA

VS

KENDALE JOHNSON  
Year of birth: 1989

Case No. 20-mj-1897

**AFFIDAVIT IN SUPPORT OF AN APPLICATION FOR AN ARREST WARRANT**

I, William H. Berry Jr., being first duly sworn, hereby depose and state as follows:

**INTRODUCTION AND AGENT BACKGROUND**

1. I am a Special Agent (SA) with the United States Department of Justice, Federal Bureau of Investigation (FBI), and have been employed in that capacity for approximately three years. I am currently assigned to the Albuquerque Division of the FBI, Farmington Resident Agency, and have primary investigative responsibility for crimes that occur in Indian Country, including violent crimes such as homicide, robbery, aggravated assault, and sexual assault. I am also responsible for investigating all other federal crimes for which the FBI investigates in the San Juan County area of New Mexico.

2. The information set forth in this affidavit has been derived from an investigation conducted by SA Berry, Shiprock Criminal Investigator (CI) Jerrick Curley (Navajo Department of Criminal Investigations), and/or communicated to me by other law enforcement officers of the Navajo Nation and witnesses. This affidavit is in support of criminal charges against subject KENDALE JOHNSON (hereafter referred to as JOHNSON), a known convicted felon, to include 18 U.S.C. § 922(g)(1) (Unlawful Possession of a Firearm by a Convicted Felon).

3. On the morning of October 22, 2020, while visiting his girlfriend, L.G., year of birth (YOB) 1989 (hereafter referred to as WITNESS 1), JOHNSON and a former boyfriend of

WITNESS 1 got into a confrontation in Shiprock, New Mexico that turned into a shoot-out. WITNESS 1's former boyfriend, D.S., YOB 1983 (hereafter referred to as WITNESS 2), shot JOHNSON in his leg with a .22 caliber firearm. WITNESS 2 fled the scene in a black Mercedes-Benz sedan and travelled to Ojo Amarillo, New Mexico off Navajo Route 36 (N36) between U.S. Highway 491 (491) and New Mexico State Road 371 (371).

4. JOHNSON and WITNESS 1 travelled in a silver Pontiac sedan bearing the temporary Arizona license plate HNA6C2A to Ojo Amarillo, New Mexico in search of WITNESS 2 armed with two rifles. WITNESS 1 drove the vehicle due to JOHNSON's leg injury. WITNESS 1 and JOHNSON identified WITNESS 2's black Mercedes-Benz parked in a dirt lot in front of residence #73 Ojo Amarillo Road, Ojo Amarillo, New Mexico. JOHNSON shot one of the two rifles while dropping a magazine with 7.52X39mm caliber ammunition within. JOHNSON and WITNESS 1 then proceeded to flee the scene while WITNESS 2 pursued in his black Mercedes-Benz. During the chase by WITNESS 2 after JOHNSON and WITNESS 1, the vehicle pursuit positions switched.

5. S.P., YOB 2005, (hereafter referred to as WITNESS 3) observed portions of the vehicle chase from her residence in Ojo Amarillo in which the silver Pontiac chased after the black Mercedes-Benz. WITNESS 3 identified a barrel of a firearm protruding out of the front passenger window of the silver Pontiac. Immediately after identifying the barrel, WITNESS 3 saw the firearm shoot a round.

6. J.T., YOB 1982, (hereafter referred to as JANE DOE) heard multiple gunshots in which the last one left a ringing noise in her ear because it was so loud. JANE DOE searched the origin of the shots and found a bullet hole in the corner of one of the residence bedrooms. Bullet fragmentation was subsequently collected by FBI SA following the shooting.

7. JOHNSON and WITNESS 1 chased WITNESS 2 onto N36 travelling east towards the intersection of N36 and 371. D.S.'s vehicle started to malfunction and came to a stop. WITNESS 1 pulled the vehicle next to WITNESS 2 so JOHNSON could shoot WITNESS 2. JOHNSON exited the vehicle and started to shoot at WITNESS 2, but WITNESS 2 got out of the vehicle and started to run away from the vehicles. JOHNSON got back into the vehicle and WITNESS 1 drove JOHNSON west on N36 towards 491. Farmington Police Department (FPD) arrested WITNESS 2 soon after identifying WITNESS 2 running from the scene along N36.

8. CI Curley and CI Jefferson Joe identified and started pursuing WITNESS 1 and JOHNSON once they turned on 491 travelling north towards Shiprock, New Mexico. WITNESS 1 and JOHNSON fled from Navajo Police Department (NPD) and CI vehicles running lights and sirens. WITNESS 1 drove on the oncoming traffic lane and drove at speeds upwards of 110 MPH. At some point during the pursuit, WITNESS 1 and JOHNSON switched driving positions.

9. JOHNSON demanded WITNESS 1 throw anything and everything out of the window at law enforcement vehicles. WITNESS 1 started to throw items out of the vehicle while JOHNSON continued to drive in excess of 110 MPH. JOHNSON tried maneuvering the vehicle throughout the 98 mile pursuit in which at some point attempted to run head on into CI Charley Wilson. CI Wilson avoided a head on collision by swerving out of the way moments before a potential head on collision. NPD eventually pitted the silver Pontiac. NPD and CI found two rifles, a black 9mm Ruger PC rifle bearing the serial number 911-51020 and a black SKS 7.52X39mm rifle bearing serial number 92-02900, within five feet of the vehicle. In addition to the two rifles, a night vision scope was also located near the vehicle. FPD arrested JOHNSON and WITNESS 1 at the scene and took them into tribal custody.

10. JOHNSON was previously arrested on July 6, 2017 while fleeing the scene of a crime. JOHNSON and another passenger threw items out of the window similar to the October 22, 2020 pursuit. JOHNSON entered a guilty plea of Aggravated Assault with a Dangerous Weapon, a Class C Felony offense which can be referenced: No. CR-17-08175-001-PCT-SPL. JOHNSON received 37 months in the custody of the Bureau of Prisons and supervised release for 36 months.

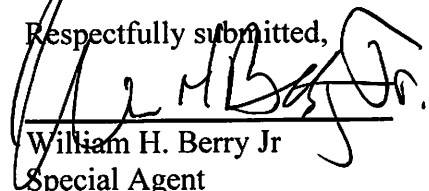
### CONCLUSION

11. Based on the information provided in this affidavit, your affiant submits there is probable cause to believe that on or about October 22, 2020, KENDALE JOHNSON, an enrolled member of the Navajo Indian Tribe, was within the territorial jurisdiction of the Navajo Indian Reservation when he attempted to shoot WITNESS 2, he fired multiple shots in which one of the rounds hit Jane Doe's residence violating the Subject Offense § 922(g)(1) (Unlawful Possession of a Firearm by a Convicted Felon).

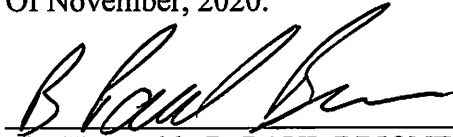
12. Your Affiant swears this information to be true and correct to the best of his knowledge and belief.

13. Supervisory Assistant United States Attorney Kyle Nayback, United States Attorney's Office, District of New Mexico, reviewed this affidavit and approved criminal complaint arrest.

Respectfully submitted,

  
William H. Berry Jr  
Special Agent  
Federal Bureau of Investigation  
Farmington, New Mexico

Subscribed and sworn to  
Before me this 6 day  
Of November, 2020.

A handwritten signature in black ink, appearing to read "B. Paul Briones", written over a horizontal line.

The Honorable B. PAUL BRIONES  
United States Magistrate Judge

